

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

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LUQUN LIU)	
)	
Plaintiff,)	
vs.)	
)	Civil Action No.: 1:15cv1026 (JCC/TCB)
XIAOKUI MA)	
)	
Defendant.)	
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**PLAINTIFF’S MEMORANDUM IN OPPOSITION TO
DEFENDANT’S MOTION FOR RECONSIDERATION**

The Plaintiff, Luqun Liu, by counsel, opposes Defendant’s Motion for Reconsideration, and in support thereof states as follows:

1. The Defendant has not demonstrated that there is any merit to her claim that the jury verdict regarding punitive damages should be set aside. The Plaintiff incorporates herein by reference her previously filed Opposition to the Defendant's Motion for Judgment as a Matter of Law As to Punitive Damages (Docket #88). In this regard, this issue was fully briefed by the Plaintiff, with the opportunity for the Defendant to file a rebuttal brief. No rebuttal brief was filed. The Defendant's Motion for Reconsideration does not even attempt to demonstrate any substantively meritorious argument that the jury verdict with regard to punitive damages should be set aside beyond the unsupported statement that "all the evidence introduced at trial hardly demonstrates actual malice of Ms. Ma against Ms. Liu." Defendants' Memorandum in Support of Motion for Reconsideration (Docket #93), at p. 4.

2. Further, the grant of the Defendant's motion would work substantial prejudice upon the Plaintiff. This case was tried to verdict on June 9, 2016. The finality of that judgment has

since been delayed by the Defendant's filing of two post-trial motions. The first of those post-trial motions, the Defendants Rule 59(b) Motion (Docket #79), was voluntarily withdrawn by the Defendant. The second of those post-trial motions, the Defendant's Rule 50 Motion (Docket #84), was never noticed for hearing. Finally, by *automatic* operation of Local Rule 7, that motion was "deemed withdrawn." *See*, Local Civil Rule 7 (E). The filing, withdrawal, failure to notice, and subsequent automatic withdrawal, of these motions has substantially delayed the finality of the Plaintiff's judgment. A grant of the Defendant's Motion for Reconsideration would work yet further delay, and is not justified.

3. Finally, no exceptional circumstance exists to justify the grant of the Defendant's Motion for Reconsideration. The fact that local counsel was out of town when the Defendant's Rule 50 Motion was filed, does not absolve the Defendant from noticing that motion for hearing within the very generous time allotted by Local Rule 7 (i.e., 30 days). There being no exceptional circumstance to excuse this continued delay of these proceedings, the court should deny the Defendant's Motion for Reconsideration.

For the foregoing reasons, the Plaintiff moves the court to deny the Defendant's Motion for Reconsideration.

LUQUN LIU
By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2016 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel named below, and simultaneously sent a copy by electronic mail to counsel named below:

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